

ASSEMBLY BILL

No. 569

Introduced by Assembly Member Gonzalez Fletcher

February 14, 2017

An act to add Section 2810.7 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 569, as introduced, Gonzalez Fletcher. Discrimination: reproductive health.

The California Fair Employment and Housing Act prohibits discrimination in employment based upon specified personal characteristics, including the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of any person.

Existing law creates the Division of Labor Standards Enforcement in the Department of Industrial Relations for the purpose of enforcing labor laws.

This bill would amend provisions of labor law relating to the obligations of an employer to prohibit an employer from taking any adverse employment action, as defined, against an employee based on the use of any drug, device, or medical service related to reproductive health by an employee or employee's dependent or requiring an employee to sign a waiver or other document that purports to deny any employee the right to make his or her own reproductive health care decisions, including the use of a particular drug, device, or medical service. The bill would require an employer that provides an employee

handbook to its employees to include in the handbook notice of the employee rights and remedies under the provisions of this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2810.7 is added to the Labor Code, to
2 read:
3 2810.7. (a) An employer shall not do either of the following:
4 (1) Take any adverse employment action against an employee
5 based on the use of any drug, device, or medical service related to
6 reproductive health by an employee or employee's dependent.
7 (2) Require an employee to sign a waiver or other document
8 that purports to deny any employee the right to make his or her
9 own reproductive health care decisions, including the use of a
10 particular drug, device, or medical service.
11 (b) An employer that provides an employee handbook to its
12 employees shall include in the handbook notice of the employee
13 rights and remedies under this section.
14 (c) For purposes of this section, "adverse employment action"
15 includes, but is not limited to, termination, demotion or refusal to
16 promote or advance, loss of career specialty, reassignment to a
17 different shift, reduction of hours, reduction of wages or benefits,
18 refusal to provide training opportunities or transfer to a different
19 department, adverse administrative action, or any other penalty or
20 disciplinary or retaliatory action.